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02 UNITED STATES DISTRICT COURT  
03 WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

04 MARVIN LEE VERMILLION, a/k/a/ ) CASE NO. C09-0310RSL  
Joseph A. Quintana, )  
05 )  
Petitioner, )  
06 ) ORDER DISMISSING  
v. ) § 2254 PETITION  
07 )  
SUPT. FRAKER, )  
08 )  
Respondent. )  
09 )

10 The Court, having reviewed petitioner's petition for writ of habeas corpus, respondent's  
11 motion to dismiss the petition, the Report and Recommendation of the Honorable Mary Alice  
12 Theiler, United States Magistrate Judge, and the balance of the record, does hereby find and  
13 Order:

- 14 (1) The Court adopts the Report and Recommendation;
- 15 (2) Respondent's motion to dismiss petitioner's federal habeas petition (Dkt. 11) is  
16 GRANTED and the petition (Dkt. 6) is DISMISSED under 28 U.S.C. § 2244(d);  
17 and
- 18 (3) The Clerk is directed to send copies of this Order to petitioner, to counsel for  
19 respondent, and to Judge Theiler.

20 Dated this 23rd day of September, 2009.

21   
22 Robert S. Lasnik  
United States District Judge